

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HIGHWAYS AND TRANSPORTATION

Call to Order: By **SENATOR GLENN ROUSH**, on March 2, 1999 at 3:00 P.M., in Room 410 Capitol.

ROLL CALL

Members Present:

Sen. Arnie Mohl, Chairman (R)
Sen. Ric Holden, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. John Hertel (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Glenn Roush (D)
Sen. Debbie Shea (D)
Sen. Spook Stang (D)
Sen. Daryl Toews (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Phoebe Olson, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB23 HB 187 HB 189 HB 231,
2/28/1999
Executive Action: None

HEARING ON HB 231

Sponsor: REPRESENTATIVE JOHN WITT, HD 89, Carter

Proponents:

Dean Roberts, MT Department of Justice

Richard Dix, self

Ben Ringo, Ex Prisoner of War

Jim Jacobson, MT Veteran Affairs Division

Hal Manson, American Legion

John Sloan, Military Order of the Purple Heart, Disabled American Veterans.

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE JOHN WITT, HD 89, Carter, said the goal of the bill was to provide the same benefits for ex-prisoners of war as disabled veterans receive. He said it would allow them to special vehicle registration fees, special license plates, and allowing the spouse to retain the license plate. He reserved the right to close and made himself available for questions.

Proponents' Testimony:

Dean Roberts, Department of Justice, asserted that the bill allows ex-POW's to have the same benefits that 100% disabled vets have. Those benefits include getting license plates for \$5.00, on one vehicle. Other vehicles would be full price.

Richard Dix, submitted written testimony. **EXHIBIT(his47a01)**

Ben Ringo, Ex-Prisoner of War, stated he resided in Fort Benton. He said he spoke on behalf of 150 surviving POW's. He commented that they were not looking for financial hand outs but for recognition for the sacrifices and hell they had gone through to assure freedom for us all. He restated, what the bill would accomplish, and asked for the committees support. He read the committee a poem. **EXHIBIT(his47a02)**

Jim Jacobson, MT Veterans Affairs Division, approximated there were between 100 and 200 ex-POW's in Montana. He proclaimed this was a very special group of Veterans. They were in full support of the bill.

Hal Manson, American Legion of Montana, stated that prisoners of war were very special people. He said many had gone to war and many had seen combat, but had come home without getting too involved with the enemy on a daily basis. He said the people had not been kind to the those taken prisoners. He thought it would be very nice to give them some special recognition. He recommended passing the bill.

John Sloan, Montana Order of Purple Heart, said no one could imagine the hell these people had gone through. He was in strong support of the bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR ROUSH, commented to Ben Ringo that he appreciated his testimony. He said that his remarks had really lit him up and put a frog in his throat. He said the poem had been very relevant.

Closing by Sponsor:

REPRESENTATIVE WITT, stated that everyone had ex POW's in their communities that might not come forward and let everyone know what they had been through. He thought it was so important that this bill was supported. He asserted there would not be a great fiscal impact. He asked for the committee's support.

HEARING ON HB 23

Sponsor: **REPRESENTATIVE SAM KITZENBERG, HD 96, Glasgow**

Proponents:

Candace Payne, Women Involved in Farm Economics
Scott Kulbeck, Farm Bureau

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE SAM KITZENBERG, HD 96, Glasgow, said that it might come as a surprise but there had been an ethanol use policy in this state since the 52nd Session of the Montana Legislature. He said he was amazed that the vision 2005 committee had not released more recommendations on ethanol. He said he introduced this bill to define ethanol and to eliminate requirements that

the operator of a state vehicle would have to fill out a lot of reports. He said this bill would reduce paper work and make it easier for state employees to use ethanol blended fuel, hopefully creating a larger market for the product. He said the whole idea was to encourage the use of ethanol. He made arguments supporting the state's purchase of ethanol vehicles, but stated that bill had died. He related the excuses used as to why ethanol shouldn't be used. He hoped the committee could move the bill along. He stated it was not a major step, but only a baby step.

Proponents' Testimony:

Candace Payne, WIFE, stated support for the utilization of ethanol blended fuel. She said the most important part of the bill was found on page 2, lines 12 through 14. Those lines got rid of the requirement to keep records of ethanol use in state owned vehicles. She hoped the bill could pass to make it easier for the ethanol industry to do business.

Scott Kulbeck, Farm Bureau, said they were in support of the bill. He alleged that ethanol was a renewable resource and another market for our commodities. He said this bill would simply make it easier for state employees to use ethanol when ever possible. For those reasons he urged support of the bill.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR ARNIE MOHL, said if a certain part of the gas tax money went to support manufacturing ethanol, how much that would cost the Department of Transportation.

SENATOR STANG", said it would cost 3 million bucks a year.

SENATOR MOHL, asked if taxes were paid the same way as the gas tax.

REPRESENTATIVE KITZENBERG, said yes.

SENATOR MOHL, asked the Department for the exact figure on cost per gallon.

Gary Gilmore, replied he could not answer that question.

SENATOR MOHL, said he did not think \$3 Million was correct. He also asked Scott Kulbeck why the farmers were not participating in the cost and why it was all coming out of the gas tax money.

Scott Kulbeck, said he could not answer the bill.

SENATOR MOHL, said he thought it was important to have that information before they took action on the bill. He said his point was if they kept robbing the Highway Fund they would be giving 87% back to the Federal Government. He said if would benefit the farmer they should be a participant.

SENATOR JABS, asked if the blend was 90% to 10%.

REPRESENTATIVE KITZENBERG, replied that was correct.

SENATOR JABS, asked if normal cars could use this fuel also.

REPRESENTATIVE KITZENBERG, replied that they could.

SENATOR MOHL, asked where the stations were buying the ethanol blended fuel at the present time.

REPRESENTATIVE KITZENBERG, replied it came from out of state.

SENATOR ROUSH, stated that they would need some more information before executive action was taken. He also asked if at the present time any ethanol fuel was being manufactured in Montana.

REPRESENTATIVE KITZENBERG, he said none was being manufactured in Montana at this time.

SENATOR STANG, said if they were going to rehear a Senate Bill the Taxation Committee had tabled, which was what Senator Mohl was asking for, the list of information should be transferred to this committee.

SENATOR GREG JERGESON, asked if there were any circumstances in which the Board of Investments ought to stray from the expectation that they would make their investments in accordance with the prudent investment rule.

REPRESENTATIVE KITZENBERG, said he thought they should be encouraged to invest in Montana.

SENATOR MOHL, said he was not saying they should not have ethanol. He wondered if we had already had an ethanol plant in Montana.

REPRESENTATIVE KITZENBERG, said there had been a plant in Ringling.

SENATOR MOHL, said he understood that 90% of the agriculture came from out of state to support that plant. He wondered what would prevent that from happening again.

REPRESENTATIVE KITZENBERG, said nothing could prevent that. He said the key was distribution. He thought maybe there should be a tax break to encourage stations to have a pump for ethanol.

Closing by Sponsor:

REPRESENTATIVE KITZENBERG, stated he had closed.

HEARING ON HB 187

Sponsor: **REPRESENTATIVE JOE TROPILA, HD 47, Great Falls**

Proponents:

Gary Gilmore, MT Department of Transportation

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE JOE TROPILA, HD 47, Great Falls, said he brought this bill forward by the request of the Department of Transportation. He said the bill would clean up some language in HB 99 passed last session. He said it would allow for the Department to put on their flashing lights to quickly remove a hazard from the road.

{Tape : 1; Side : A; Approx. Time Counter : 344; Comments : turn tape over}

Proponents' Testimony:

Gary Gilmore, MT Department of Transportation, said this bill would allow for some latitude. He said in some cases the hazard was being ignored because it was required that all these signs be put up first. He appreciated the committee's consideration.

Opponents' Testimony: None

Questions from Committee Members and Responses:

SENATOR COLE, said the bill said that the signs should be covered or removed when work was not in progress. He wondered if that was not part of the previous bill and was new legislation.

REPRESENTATIVE TROPILA, said that the other bill had not covered this issue.

SENATOR COLE, asked for an explanation on why there were never signs that indicated where the work zone was.

Gary Gilmore, said the work zone was defined as that area where the work is being done inside the construction zone.

SENATOR COLE, he thought there should be signs that indicated where the work zone was inside the construction zone.

SENATOR STANG, said he agreed with **SENATOR COLE**. There were always signs saying fines doubled in work zones, but never a sign to say where the work zone was.

SENATOR COLE, asked if the sponsor had any objections to defining that better.

REPRESENTATIVE TROPILA, replied he would gladly endorse that.

SENATOR ROUSH, reiterated what was said about the work and construction zones. He thought sometimes signs were left to slow traffic down and prevent busted windshields caused by loose gravel. He asked if the state or identities listed in the bill were liable if they removed the signs.

Gary Gilmore, said the liability was there as long as the hazard stayed on the road. He said they would do whatever they could to identify the hazard without requiring the signs.

SENATOR BOB DEPRATU, said he was not sure there would be any more chance of someone running into a state truck than a Highway Patrol car who had pulled someone over. He suggested that they would take more care in a blind area.

SENATOR MOHL, asked who was liable in a construction job if the signs were covered and they were not working at the time of an accident.

Gary Gilmore, said he was unable to answer that question.

SENATOR MOHL, commented that you had to be careful what you did with construction zones because of the importance of public safety and the threat of lawsuits.

Closing by Sponsor:

REPRESENTATIVE TROPILA, stated he had closed.

HEARING ON HB 189

Sponsor: **REPRESENTATIVE JOE BARNETT, HD 32, Belgrade**

Proponents:

Marvin Page, MT Department of Transportation

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE JOE BARNETT, HD 32, Belgrade, said the bill was brought to the committee by request of the Department of Transportation. He stated HB 189 would amend the laws relating to state owned or leased motor vehicles. He asserted the original language was restrictive and misstated ownership. He contended that the vehicles are managed and controlled by the purchasing agency and not the Department of Transportation. He contended the changes would clarify responsibilities and requirements for the Department of Transportation.

Proponents' Testimony:

Marvin Page, MT Department of Transportation, reiterated what the sponsor had stated.

Opponents' Testimony: none

Questions from Committee Members and Responses:

SENATOR STANG, asked what was the difference between this bill and a bill he had in House Transportation earlier that day.

Marvin Page, said the policy on the use of vehicles that the Department of Administration and other agencies are going to put together would encompass all state agencies. He asserted this particular bill was mainly for the operation of motor pool.

SENATOR ROUSH, asked what was done with a rental or lease car.

Marvin Page, said there was nothing to put on that car to identify it as a state car.

SENATOR HOLDEN, wondered why there were state laws to require the placing of logo's on state vehicles.

Marvin Page, said for the identification of state vehicles.

Closing by Sponsor:

REPRESENTATIVE BARNETT, thanked the Committee.

ADJOURNMENT

Adjournment: 4:05 P.M.

SEN. ARNIE MOHL, Chairman

PHOEBE OLSON, Secretary

AM/PO

EXHIBIT (his47aad)